IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :20340 of 2002

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Dated: 1st August 2007.

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Between:

Parakonda Laxmayya, S/o Anjayya, 55 years, Sarpanch, Kolimeru Gram Panchayat, Tuni Mandal, E.G.District.

..... PETITIONER

AND

The Dy. Superintendent of Police, Peddapuram Division, Peddapuram, E.G. District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.20340 OF 2002

ORAL ORDER:

No representation on behalf of the writ petitioner.

This writ petition has been filed seeking a direction that the action of the respondents 1 and 2 in not filing the charge sheet in respect of Crime No.16 of 2002 on the file of the Judicial Magistrate of First Class, Tuni and not producing the 3rd respondent before the said Court, as bad in law.

The Sub-inspector of Police, Tuni Rural Police Station, East Godavari District, had filed a detailed counter affidavit. It is averred that after the JFCM's Court Tuni has returned the charge sheet with a direction to file it along with the accused persons therein, he has solicited non-bailable warrants to be issued against the accused. At that stage, the 3rd respondent, who is A-1 in the said crime has surrendered before the Hon'ble First Additional Sessions Judge, and he was released on bail by the said Court. It is also pointed out that one Sri K. Varahala Rao, who is A-2 in the said crime as surrendered before the JFCM, Tuni and he was, in fact, remanded to judicial custody by the said Court. Therefore, the charge sheet, which was earlier returned, was re-submitted before the JFCM, Tuni, and the same was accepted on 11-12-2002. Hence, the cause in the writ petition does not survive.

There is no material on record to contradict the statement made in the counter affidavit by the Sub-

Inspector.

The writ petition is, therefore, dismissed, but however, without costs.

Nooty Ramamohana Rao, J

1st August 2007
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